

## UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

United States of America  
v.

Alfred J. Cunningham Jr.

Case No.

1:21-mj-00869

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Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/16/21 - 02/04/2021 in the county of Marion in the  
Southern District of Indiana, the defendant(s) violated:*Code Section*

18 U.S.C. §§ 1951 and 924(c)

*Offense Description*Interference with Commerce by Robbery  
Brandishing a Firearm in Furtherance of a crime fo violence

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

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/s/ Adam Vail

Complainant's signature

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Adam Vail, SA/FBI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by  
telephone (reliable electronic means)Date: September 23, 2021City and state: Indianapolis, Indiana

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Adam M. Vail [“AFFIANT”], being duly sworn according to law, depose and state as follows:

1. I am and have been employed as a Special Agent with the Federal Bureau of Investigation [“FBI”] since October of 2014. I spent 21 weeks training to be a Special Agent (SA) at the FBI Academy in Quantico, Virginia beginning on October 19, 2014. Through the FBI, I have received extensive training related to the investigation of federal crime to include commercial robberies, bank robberies, violent crimes, and firearms investigations. I am currently assigned to the FBI Violent Crimes Task Force [“VCTF”] in the Indianapolis Field Office of the FBI. In this assignment, I investigate all manner of violent crime, to include commercial robberies.

2. This affidavit is submitted in support of a criminal Complaint against Alfred J. Cunningham Jr. [“Cunningham”] on the grounds he committed a violation of Title 18, United States Code, Sections 1951 and 924(c).

3. Title 18, United States Code, Section 1951 makes it illegal to obstruct, delay, or affect commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempt or conspire to do so, or commit or threaten physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section.

4. Title 18, United States Code, Section 924(c) makes it illegal to carry, brandish, or use a firearm during a crime of violence, in furtherance of such a crime.

5. In connection with my official duties, I have obtained the following information through my investigation, from other FBI Agents, FBI Task Force Officers [“TFOs”] assigned to

the Indianapolis VCTF; detectives and patrol officers of the Indianapolis Metropolitan Police Department [“IMPD”] (sometimes collectively referred to as “investigators”); and witnesses. I have not included each and every fact that has been revealed through the course of this investigation but have rather set forth only the facts in support of a finding of probable cause of the aforementioned crimes.

**January 16, 2021**  
**Dollar General - 7222 Rockville Road, Indianapolis, Indiana**

6. On January 16<sup>th</sup>, 2021 at about 8:50 p.m., Indianapolis Metropolitan Police Department (IMPD) officers were dispatched to Dollar General store located at 7222 Rockville Rd., Indianapolis, on the report of an armed robbery of the business. Officers arrived on the scene and spoke to the store manager (hereinafter described as "Victim Employee #1"). Victim Employee #1 said a black male entered the store carrying a yellow plastic Dollar General bag and approached the counter. A second black male then entered the store and both males (hereinafter sometimes referred to as "the robbers") pulled out and pointed handguns at the store's employees.

7. One of the robbers stayed with Victim Employee #1 while the second robber walked toward the rear of the business, approached a second employee (hereinafter described as "Victim Employee #2") and forced her at gunpoint to the front of the business. Victim Employee #2 was told to open the safe behind the front counter and remove the money. Victim Employee #1 was told to open the register and remove the money. The victim employees both complied with the robbers' demands. The victim employees were forced at gunpoint to the center of the store and forced to lay on the floor. Victim Employee #1's cellular telephone and wallet, which contained identification and credit cards, were taken from him by one of the robbers.

8. The robbers were described by the victim employees as being about 5'11" tall and about 170 lbs. The Dollar General is equipped with a video surveillance system that recorded the robbery. One of the robbers can be seen wearing a dark blue or black hooded sweatshirt under a dark jacket, dark blue or black pants, dark blue or black tennis shoes with a light blue or white strip, white gloves, and a light blue surgical mask. This robber can also be seen holding a yellow plastic Dollar General bag when he entered the store.

9. The second robber can be seen wearing a gray hooded sweatshirt, dark blue or black pants with tears in the legs, dark blue or black tennis shoes, and a black mask covering the bottom half of his face.

10. An IMPD Evidence Technician responded to the Dollar General. The IMPD Evidence Technician dusted and recovered fingerprints from the robbery scene. The prints were submitted to the IMPD Latent Print Unit. The prints were later identified as belonging to Alfred J. Cunningham Jr., DOB XX/XX/1994.

**January 20, 2021**  
**Phillips 66 - 6455 W. Washington Street, Indianapolis, Indiana**

11. On January 20, 2021, at about 8:25 PM, IMPD officers were dispatched to the Phillips 66 located at 6455 W. Washington Street, Indianapolis, Indiana on report of an armed robbery. IMPD officers responded to the scene and learned there was a lone employee (hereinafter "Victim Employee #3") working in the store, when two black males (hereinafter referred to as "the robbers") entered the store. Victim Employee #3 described the robbery, stating that the robbers walked directly to the side counter and vaulted it. Each of the two robbers pointed a semiautomatic pistol at Victim Employee #3 and they yelled "give up the money" as they pointed the guns. Victim Employee #3 opened the register, removed the cash, and handed it to the robbers.

12. The robbers then began ordering Victim Employee #3 to open the safe. Victim Employee #3 told the robbers that the store did not have a safe. However, the robbers forced Victim Employee #3 into the office and again ordered him to open the safe. Victim Employee #3 again stated there was no safe and opened a file cabinet. The robbers then ran from the store with cash from the register.

13. The Phillips 66 is equipped with a video surveillance system that recorded the robbery. One robber was wearing a dark blue hooded sweatshirt, dark blue or black sweatpants, a black face mask covering the bottom half of his face, one white work style glove on his right hand, and no glove on his left hand. The surveillance video depicts that this robber has two moles on his forehead and a possible tattoo under his right eye.

14. The other robber was wearing a black hooded sweatshirt that appeared to be inside out, black and gray sweatpants, black gloves, and was also wearing a black mask covering the bottom half of his face. Both robbers were armed with semiautomatic pistols.

**February 4, 2021**  
**Dollar General - 5519 W. Washington Street, Indianapolis, Indiana**

15. On February 4, 2021 at 8:27pm, officers with IMPD were dispatched to 5519 W. Washington Street, Dollar General reference a robbery of a business. Upon arrival, IMPD officers confirmed a robbery had occurred and obtained a description of the robber. A description of the robber was broadcast of the IMPD district radio channel for other IMPD officers in the area.

16. IMPD Detectives on the scene observed the video surveillance from the Dollar General. Detectives observed a black male (hereinafter referred to as "the robber") with red pants, white T-shirt over top of a red long-sleeved shirt, and a black mask walk into the store.

The robber was observed looking around the store. The robber then approached the register counter and pulled out a firearm and pointed it at the employees.

17. The robber pushed the manager (hereinafter referred to as "Victim Employee #4") down to the ground. The robber then pointed the firearm at another employee, (hereinafter referred to as "Victim Employee #5"). Victim Employee #5 attempted to open the safe. As this was happening, a customer then walked into the store. The customer laid down on the ground after approaching the robber with the firearm and realizing that a robbery was occurring.

18. After the register was opened, the robber emptied the cash from the drawer. Victim Employee #5 opened the safe and removed a plastic container containing cash and receipts. The suspect took the container and fled the store.

19. IMPD Detectives took statements from both Victim Employee #4 and Victim Employee #5. During his statement Victim Employee #4 stated that an individual wearing a white T-shirt over a red sweatshirt, red sweatpants, and a black ski mask entered the store. Victim Employee #4 further described the robber as being approximately 5'5" to 5'6" tall and skinny. Victim Employee #4 stated that the robber entered the business and then spent approximately fifteen minutes in the store before selecting some items which he then bought. After buying the items the robber did not leave the store but continued to look around. Victim Employee #4 stated that he and Victim Employee #5 then stepped outside to smoke. After smoking, both employees went back inside and the robber approached the counter again and bought another item. Victim Employee #4 said the robber then produced a handgun, came around the counter and pushed Victim Employee #5 down. Victim Employee #4 said he could not remember if the robber pushed him to the ground or if he got on the ground himself. Victim Employee #4 stated that the robber pointed the gun at them and began saying open the safe.

Victim Employee #4 stated that he complied and opened the safe while Victim Employee #5 opened the register. Victim Employee #4 then removed the money from the safe which was in a plastic container and the robber took it from him. Victim Employee #4 said the robber also took the money from the register. After getting the money, Victim Employee #4 stated that the robber then ordered both him and Victim Employee #5 to the back hallway saying “get back there.”

20. In her statement, Victim Employee #5 stated that she observed an individual enter the store wearing a black mask. The robber approached Victim Employee #5 and asked her about rope, razors and a few other items. The robber selected some items and returned to the cash register. Victim Employee #5 stated that the robber purchased the items but instead of leaving after buying the items continued to look around the store. Victim Employee #5 stated that she and the Victim Employee #4 stepped out to the front door to smoke while the robber continued to look around the store. Victim Employee #5 stepped back into the business and the robber approached the counter again. This time the robber produced a black handgun and began demanding the employees open the safe. The robber said, “I will shoot you, but I don’t want to.” Victim #5 stated that the robber grabbed her by the shoulder and pushed her down. Victim #5 stated that the robber ordered them to open the safe and the register. Once the robber had the money from the safe and register, he fled the store.

#### **Apprehension and Interview**

21. At around 8:45pm, Officer Demarqueis Harvey with IMPD was in a fully marked police vehicle near the 5600 block of Ray Street. Officer Harvey observed a black male wearing red jogging pants and a neck gator on his neck. Officer Harvey stopped and exited the vehicle. Officer Harvey asked the black male to come towards him. Officer Harvey asked the individual to place his hands behind his back and notified other officers, by way of broadcasting over his

IMPD radio, of the detention of an individual matching the description of the earlier robbery suspect.

22. Officer Harvey began to place handcuffs on the black male, but the black male turned around and attempted to fight Officer Harvey. After a brief struggle, Officer Harvey was able to secure the black male. Officer Harvey located a black handgun (Taurus 9mm, serial #TJ0489550) in his right pants leg around his ankle. The black Taurus handgun was loaded with a total of 6 rounds and did have one round in the chamber. Officer Harvey also located a plastic container with an undetermined amount of US Currency inside his pants. Also recovered was a black ski mask, black rubber glove, grey cloth glove, and some receipts. The black male apprehended by Officer Harvey was later identified as Alfred Cunningham.

23. IMPD Detectives responded to the scene of the apprehension. Detectives confirmed that the individual apprehended was Alfred Cunningham and that Cunningham was wearing clothing that substantially matched the clothing worn by the Dollar General robber. Additionally, Detectives confirmed that the plastic container, in the possession of Cunningham, was the same plastic contained removed from the Dollar General safe earlier that night.

24. IMPD Detectives transported Cunningham from the apprehension site on Ray Street to the Robbery Office located inside the Indianapolis City-County Building located at 200 East Washington Street, Indianapolis, Indiana. Cunningham was placed inside an interview room and agreed to waive his Miranda rights and speak with IMPD Detectives.

25. Cunningham stated that his girlfriend, Michelle Rutledge, was having financial problems and needed money. After questioning from Detectives, Cunningham admitted to committing the Dollar General Robbery earlier that evening. Cunningham stated that he went into the store and walked around the interior to confirm that no customers were inside the store



prior to committing the robbery. Cunningham said, after a while, he approached the counter and told the employee there to open the register and the safe. Cunningham stated that one employee opened the safe, removing a plastic container with money in it, and the other employee handed him the money from the register. After obtaining the money, Cunningham ran from the store. Cunningham admitted that he had the firearm during the robbery. Cunningham said the gun was in the waist band of his pants and that he had his hand on the gun but stated the firearm was not pointed at anybody.

26. Detectives then questioned Cunningham about other robberies they believed him to have committed. Cunningham admitted to having committed the robbery of the Dollar General located at 7222 Rockville Rd., Indianapolis, Indiana on January 16, 2021. Cunningham also admitted to committing the robbery of the Phillips 66 located at 6455 W. Washington Street, Indianapolis, Indiana on January 20, 2021. Cunningham denied committing any other robberies.

27. All of these events occurred in the Southern District of Indiana.

**Conclusion**

Based on the information detailed above, I believe that there is probable cause that Cunningham violated multiple counts of Title 18 United States Code, Section 1951(a) and 924(c).

Accordingly, I respectfully request the Court to issue a criminal complaint and arrest warrants charging Cunningham with these offenses.

FURTHER YOUR AFFIANT SAITH NOT

/s/ Adam Vail

Adam Vail  
Special Agent, FBI

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

DATE: September 23, 2021

